

**UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Sprogis **GROUP:** 3622
SERIAL NO: 09/627,870 **EXAMINER:** Myhre, J.
FILED: July 28, 2000
FOR: SYSTEM AND METHOD FOR DIGITALLY
PROVIDING AND DISPLAYING ADVERTISEMENT
INFORMATION TO CINEMAS AND THEATRES

**ARGUMENTS TO BE CONSIDERED BY PRE-APPEAL BRIEF
CONFERENCE PANEL**

The pending claims 27 - 47 stand rejected under §103(a) over U.S. Patent No. 6,141,530 (to Rabowsky) in view of U.S. Patent No. 5,907,322 (to Kelley et al.).

The present invention involves, in part, *automatically developing a schedule of advertisements* to be shown at each of a plurality of actual movie showings. In particular, the system automatically matches job requests with actual movie showings, and develops a schedule of advertisements for each actual movie showing. Because such schedules must take into account many concerns such as appropriateness of content, avoiding repetition, and variety, this automated scheduling is a complex and dynamic task. Historically, such scheduling was performed for each individual showing by one or more persons.

The Rabowsky reference discloses a system for distributing movies in a digital format to a plurality of theatres. The Rabowsky reference also discloses that an automated scheduling system is used to distribute the movies, and that each movie may include a trailer. The trailer, however, appears to be compiled at the central location or "Headend" (Rabowsky, col.12, lines 9 - 16). There is no disclosure in the Rabowsky reference regarding how the trailer is compiled at

the Headend. The Rabowsky reference also states that a theatre operator may make modifications to the schedule (Rabowsky, col.12, lines 17 - 28). Any such modifications, however, are done manually. There is no automated scheduling of advertisements disclosed in Rabowsky.

With regard to claim 27, the Rabowsky reference does not disclose an automated scheduling system that selects a plurality of selected actual movie showings associated with a plurality of selected job requests to determine a schedule associated with each selected actual movie showing.

The Kelley et al. reference further does not provide the needed teaching in combination with the Rabowsky reference. The final office action states that the Kelley et al. reference discloses the selection of advertisements in accordance with job requests received from advertisers (Final Office Action, page 3). The Kelley et al. reference, however, discloses a system for bookmarking viewer selected television events by selecting broadcast events using a remote control. Data associated with such selection is stored in a table (Kelley et al., col. 1, lines 54 - 64). The table is sent to a central database 40 that provides web sites (and other on-line advertisements) associated with the user selection data in the table (Kelley et al., col. 3, lines 4 - 25).

In particular, the Kelley et al. patent discloses that data in a viewer's table may include date, time, channel and geographic location, and that this data will be used to determine which television advertisement was broadcast at the time of the data in the table (Kelley et al., col. 3, lines 17 - 23). This determination is made by looking up the date, time, channel and geographic location in a known television advertisement schedule 50 (Kelley et al., col. 3, line 21). The Kelley et al. reference discloses that the database "then generates a custom list of data for the

user”. (Kelley et al., col.3, lines 23 - 24). The Kelley et al. reference also discloses that the system may permit a viewer to bookmark events ahead of time and thereby develop a personal schedule of television events (Kelley et al., col.6, lines 33 - 43)

It is clear, therefore, that in the Kelley et al. reference, the identification of which advertisement was broadcast at a particular time is determined by simply using a pre-arranged look-up table. The *custom list* of advertisement data for the viewer is also clearly developed by referencing a pre-determined look-up table of web-sites and advertisements associate with the broadcast advertisement. The reference, therefore, includes no disclosure, teaching or suggestion of selecting advertisements in accordance with job requests received from advertisers.

There is no schedule in the Kelley et al. reference therefore, that is automatically developed that matches job requests with characteristics of a display. Any schedules produced in the Kelley et al. reference are developed simply by referencing look-up tables.

Neither the Rabowsky reference nor the Kelley et al. reference nor any combination thereof, therefore, includes the *automated* scheduling means of claim 27 that matches jobs and showings based on *targeting* criteria. No combination of these references discloses, teaches or suggests a system as claimed in claim 27.

Dependent claim 28 further states that a *plurality* of selected job requests are matched to *each* selected actual movie showing based on common interest data, and dependent claim 29 further states that a *plurality* of actual movie showings are matched to *each* job request based on common interest data. Independent claim 38 requires that the automated scheduling means determines a schedule for each actual movie showing, and that *each schedule* is matched to a *plurality* of job requests based on common interest data. Independent method claim 43 requires the step of processing common interest data and data representative of advertising schedule

requests to determine a schedule for each of a plurality of actual movie showings, and that *each* schedule is matched to a *plurality* of job requests based on common interest data. Such dynamic matching is not possible with any of the systems of the Rabowsky or Kelley et al. references in any combination.

Each of independent claims 27, 38 and 43 (as well as dependent claims 28 - 37, 39 - 42 and 44 - 47) is therefore considered to be in condition for allowance. Favorable action consistent with the above is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. E. Hilton', is positioned above a horizontal line.

William E. Hilton
Registration No. 35,192
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension 111